



Forest Heights Police Department Policy and Procedures Manual

Subject:	Firearms Related to Domestic Violence			
General Order No.	2016-1	Effective Date:	January 1, 2016	
Chapter: 17	Section: 3	Number of Pages:	2	Replaces: All New
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A. Purpose

To provide to Forest Heights Police Department (FHPD) officers a policy on handling firearms related to domestic violence.

B. Policy

Officers will handle firearms related to domestic violence in accordance with this policy.

C. Definitions

1. DOMESTIC VIOLENCE INCIDENT: abuse, property crimes or a violation of a protective order committed against a person with whom the suspect has had an intimate relationship.
2. FIREARM: handguns and long guns.
3. INTIMATE RELATIONSHIP: a relationship between partners who are married, separated, or divorced, live or have lived together, have children in common; or date or have dated, but do not live together.
4. REGULATED FIREARM: a handgun or a firearm listed in Public Safety Article, § 5-101(r)(2), Annotated Code of Maryland.
5. Respondent: the person alleged to have committed abuse.

D. Procedures

1. Removing Firearms From Scenes
 - a. When responding to the scene of an alleged act of domestic violence, an officer may remove firearms from the scene if he:
 - (1) has probable cause to believe an act of domestic violence has occurred; and
 - (2) observe the firearm on the scene during the response.
 - b. For officer safety reasons, officers should inquire if firearms are present at all domestic violence scenes.
 - c. The law does not authorize a search of a residence for firearms.
 - d. If a firearm is removed from the scene of a domestic violence scene, the officer will:
 - (1) advise the owner of the firearm and the victim that the firearm will be held by FHPD pending the outcome of any court proceeding relating to the alleged act of domestic violence and that upon the conclusion of the proceedings, the owner may be eligible to retake possession of the firearm unless ordered to surrender the firearm;
 - (2) inform the victim that if a Temporary Protective Order, Final Protective Order or an application for criminal charges are not filed, the owner may retake possession of the firearm if he is eligible to possess the firearm; and
 - (3) ask the victim to notify FHPD or the Prince Georges County Police Department should the victim decide to file for a Protective Order or criminal charges on the victim's own initiative.

Chapter 17 Section 3

2. Firearms Prohibited for Protective Order Respondents
 - a. The respondent of a Temporary or Final Protective Order is prohibited from possessing a regulated firearm.
 - b. Possession of a non-regulated firearm by the respondent is only a violation if the judge specifically orders the respondent to surrender any firearm for the duration of the Order.
 - c. Possession of any firearm by a respondent is violation of federal law.
3. Storage of Firearms Related to Domestic Violence
 - a. Officers seizing firearms as a result of domestic violence incidents will do so in accordance with FHPD policy on seizing evidence.
 - b. If the victim obtains a Temporary or Final Protective Order, the FHPD will retain any firearms that were removed for as long as the Order is in effect.
 - c. If a Protective Order or criminal charges have not been filed, on the 15th day after the domestic violence incident, the officer will re-inform the victim of the information listed in subsection 1. d.
 - d. Once a Protective Order expires, the owner may retake possession of the firearm unless:
 - (1) he is no longer eligible to possess a firearm; or
 - (2) criminal charges have been filed against him as a result of the domestic violence incident.
4. Aggressors Who are Law Enforcement Officers
 - a. When a law enforcement officer is an aggressor in a domestic violence incident and any firearm (including the officer's service weapon) is observed on the scene and the FHPD officer has probable cause to arrest the officer for domestic violence, the FHPD officer will remove the firearm.
 - b. The supervisor of the FHPD officer will be contacted to and will immediately notify the officer's agency and:
 - (1) inform the agency of the officer's arrest; and
 - (2) arrange for the agency to take possession of the service weapon, if one was seized.
 - c. When the aggressor is a FHPD officer, all FHPD-owned firearms will be removed from the scene.
 - d. Regardless of whether there is probable cause for an arrest, when an aggressor is a FHPD officer, a FHPD supervisor will be notified and the supervisor will notify the FHPD Chief.